HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 16931 OF 2006

DATED: 5.2.2007

Between:

PadamrajJain and others

.Petitioners

and

The Special Deputy Collector, Land Acquisition, Ranga Reddy and another

...Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.16931 OF 2006

ORAL ORDER:

The petitioners are aggrieved that the respondents are trying to dispossess the petitioners for the establishment of the International Airport at Shamshabad and its supporting structures and appurtenances, without following the due process of law.

The petitioners claim to be in occupation of the agricultural lands in an extent of Ac.10.00 in Sy.No.99/1 of Mammidipally village, Saroornagar Mandal, Ranga Reddy District.

The 1st respondent has filed a counter-affidavit dated.29-08-2006. The counter states that in the light of the chronology of events set out in paragraph Nos.3 to 6 the property that is being acquired belongs to the State and has vested in the State. In a reply affidavit filed, the petitioners dispute this assertion of the State.

On the aforesaid state of pleadings, there is therefore a serious contest as to the title to the lands in question. The state asserts its title to the land while the petitioners assert to the contra. Such dispute as to the title to immovable property is more appropriately resolved before a civil Court of competent jurisdiction and not under Article.226 of the Constitution. Should the petitioners establish their title or the right to undisturbed possession to the land in question the petitioners may be entitled to

compensation for the acquisition of their lands. That is a matter for the appropriate civil court to consider in an appropriate proceedings initiated by persons aggrieved. No case is made out for interference in judicial review.

The writ petition is, on the aforesaid analysis, dismissed with liberty to the petitioners to pursue appropriate remedies before a civil Court of competent jurisdiction. In the circumstances there shall be no order as to costs.

GODA RAGHURAM,J

5th FEBRUARY,2007

Note:
Issue CC as soon as possible
(B/o)
*TSNR